

Remarks

A. Claim Status

Claims 1, 3, 4, 6, 12-15, 17, 18 and 20 remain in this application.

Claim 1 has been amended. Support for this amendment can at least be found on page 10, lines 4-8 of the specification. No new matter has been introduced with this amendment.

New claim 27 has been added. Support for this new claim can at least be found on page 10, lines 4-8. No new matter has been introduced with this amendment.

Claims 21-26 have been withdrawn. Claims 2, 5, 7-11, 16 and 19 have been canceled.

B. Decision on Appeal

On June 20, 2007, the Board of Patent Appeals and Interferences issued a decision on appeal for this application. The rejection of claims 1, 3, 4, 6, 12, and 13 under 35 U.S.C. §103 as unpatentable over USPN 4,008,564 to Luce (hereinafter Luce) was reversed. The rejection of claim 6 under 35 U.S.C. §103 as unpatentable over Luce and US Pub 2002/0185720 to Khan (hereinafter Khan) was reversed. The rejection of claims 14, 15, 17, 18, and 20 as unpatentable over Luce and US Pub 2002/0186618 to Kirkpatrick (hereinafter Kirkpatrick) was reversed.

New grounds of rejections were issued. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Luce. Claim 1 was alternatively rejected under 35 U.S.C. §103 as unpatentable over Luce.

Applicants were given two months from the date of the decision to either reopen prosecution or request a rehearing.

C. Reopen prosecution

Applicants submit this amendment to reopen prosecution.

D. Claim rejections - 35 U.S.C. §102(b)

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Luce. In light of the above amendment, Applicants respectfully traverse this rejection.

A cited prior art reference anticipates the claimed invention under 35 USC §102 only if each and every element of a claimed invention is identically shown in that single reference, arranged as recited are in the claims. Applicants respectfully submit that amended claim 1 is not anticipated by Luce because Luce does not teach or suggest: an electronic component having an enclosure that protects the electronic component, a structure that surrounds the enclosure and that reduces a thermal drift of the electronic component by increasing a thermal mass of the electronic component, wherein the electronic component controls a frequency used by the circuit.

It is stated in the appeal decision that Luce discloses an electronic component in the form of a liquid crystal display cell 95 having conductive segmented characters 12 and 14 (Figs. 1 and 2). However, Luce does not teach or suggest that the liquid crystal display cell controls a frequency used by the circuit. The liquid crystal display cell is controlled by control circuit 98. Specifically, the conductive segmented characters 12 and 14 in the liquid crystal display cell are selectively activated by the control circuit 98 (column 4, lines 18-21).

For at least this reason, Luce fails to anticipate Applicants' invention as recited in Claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw the §102 rejection of Claim 1.

E. Claim rejections - 35 U.S.C. §103

Claim 1 was alternatively rejected under 35 U.S.C. §103 as being unpatentable over Luce. In light of the above amendment, Applicants respectfully traverse this rejection.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the

reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Without conceding the second and third criteria, Applicants assert that the rejection does not satisfy the first criteria. As stated above, Luce does not teach or suggest: an electronic component having an enclosure that protects the electronic component, a structure that surrounds the enclosure and that reduces a thermal drift of the electronic component by increasing a thermal mass of the electronic component, wherein the electronic component controls a frequency used by the circuit.

It is stated in the appeal decision that Luce discloses an electronic component in the form of a liquid crystal display cell 95 having conductive segmented characters 12 and 14 (Figs. 1 and 2). However, there is no suggestion or motivation in Luce to modify the liquid crystal display cell 95 to control a frequency used by the circuit. In fact, the liquid crystal display cell is controlled by control circuit 98. Specifically, the conductive segmented characters 12 and 14 in the liquid crystal display cell are selectively activated by the control circuit 98 (column 4, lines 18-21).

For at least this reason, Claim 1 is not unpatentable over Luce. Accordingly, Applicants respectfully request that the Examiner withdraw the §103 rejection of Claim 1.

Conclusion

If there are any further questions or if more discussion is required, the Examiner is invited to call the Applicants' agent at the telephone number given below. In view of the above, the claims presently in the application are believed to be distinct over the cited references and in condition for allowance. Accordingly, it is respectfully requested that such allowance be granted at an early date.

Respectfully submitted,
John Eidson, et al.

By /Judy L. Shie/
Judy L. Shie
Reg. No. 50,305
Date: **August 16, 2007**
Phone: **(408) 345-8920**

Intellectual Properties Administration
Agilent Technologies, Inc.
Legal Department, DL-429
P.O. Box 7599
Loveland, CO 80537